



# IOWA ADMINISTRATIVE BULLETIN

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Pages 1449 to 1484

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## PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other “materials deemed fitting and proper by the Administrative Rules Review Committee” include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers’ Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)“a”]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

**PLEASE NOTE:** *Italics* indicate new material added to existing rules; ~~strike through~~ letters indicate deleted material.

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**CITATION of Administrative Rules**

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

## Schedule for Rule Making 2004

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Jan. 2 '04	Jan. 21 '04	Feb. 10 '04	Feb. 25 '04	Feb. 27 '04	Mar. 17 '04	Apr. 21 '04	July 19 '04
Jan. 16	Feb. 4	Feb. 24	Mar. 10	Mar. 12	Mar. 31	May 5	Aug. 2
Jan. 30	Feb. 18	Mar. 9	Mar. 24	Mar. 26	Apr. 14	May 19	Aug. 16
Feb. 13	Mar. 3	Mar. 23	Apr. 7	Apr. 9	Apr. 28	June 2	Aug. 30
Feb. 27	Mar. 17	Apr. 6	Apr. 21	Apr. 23	May 12	June 16	Sept. 13
Mar. 12	Mar. 31	Apr. 20	May 5	May 7	May 26	June 30	Sept. 27
Mar. 26	Apr. 14	May 4	May 19	May 21	June 9	July 14	Oct. 11
Apr. 9	Apr. 28	May 18	June 2	June 4	June 23	July 28	Oct. 25
Apr. 23	May 12	June 1	June 16	June 18	July 7	Aug. 11	Nov. 8
May 7	May 26	June 15	June 30	July 2	July 21	Aug. 25	Nov. 22
May 21	June 9	June 29	July 14	July 16	Aug. 4	Sept. 8	Dec. 6
June 4	June 23	July 13	July 28	July 30	Aug. 18	Sept. 22	Dec. 20
June 18	July 7	July 27	Aug. 11	Aug. 13	Sept. 1	Oct. 6	Jan. 3 '05
July 2	July 21	Aug. 10	Aug. 25	Aug. 27	Sept. 15	Oct. 20	Jan. 17 '05
July 16	Aug. 4	Aug. 24	Sept. 8	Sept. 10	Sept. 29	Nov. 3	Jan. 31 '05
July 30	Aug. 18	Sept. 7	Sept. 22	Sept. 24	Oct. 13	Nov. 17	Feb. 14 '05
Aug. 13	Sept. 1	Sept. 21	Oct. 6	Oct. 8	Oct. 27	Dec. 1	Feb. 28 '05
Aug. 27	Sept. 15	Oct. 5	Oct. 20	Oct. 22	Nov. 10	Dec. 15	Mar. 14 '05
Sept. 10	Sept. 29	Oct. 19	Nov. 3	Nov. 5	Nov. 24	Dec. 29	Mar. 28 '05
Sept. 24	Oct. 13	Nov. 2	Nov. 17	***Nov. 17***	Dec. 8	Jan. 12 '05	Apr. 11 '05
Oct. 8	Oct. 27	Nov. 16	Dec. 1	Dec. 3	Dec. 22	Jan. 26 '05	Apr. 25 '05
Oct. 22	Nov. 10	Nov. 30	Dec. 15	***Dec. 15***	Jan. 5 '05	Feb. 9 '05	May 9 '05
Nov. 5	Nov. 24	Dec. 14	Dec. 29	Dec. 31	Jan. 19 '05	Feb. 23 '05	May 23 '05
***Nov. 17***	Dec. 8	Dec. 28	Jan. 12 '05	Jan. 14 '05	Feb. 2 '05	Mar. 9 '05	June 6 '05
Dec. 3	Dec. 22	Jan. 11 '05	Jan. 26 '05	Jan. 28 '05	Feb. 16 '05	Mar. 23 '05	June 20 '05
***Dec. 15***	Jan. 5 '05	Jan. 25 '05	Feb. 9 '05	Feb. 11 '05	Mar. 2 '05	Apr. 6 '05	July 4 '05
Dec. 31	Jan. 19 '05	Feb. 8 '05	Feb. 23 '05	Feb. 25 '05	Mar. 16 '05	Apr. 20 '05	July 18 '05

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
20	Friday, March 12, 2004	March 31, 2004
21	Friday, March 26, 2004	April 14, 2004
22	Friday, April 9, 2004	April 28, 2004

**PLEASE NOTE:**

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

**\*\*\*Note change of filing deadline\*\*\***

## PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies  
FROM: Kathleen K. Bates, Iowa Administrative Code Editor  
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 1.5.3, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

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2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, Third Floor West, Ola Babcock Miller Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies, but not on the diskettes; diskettes are returned unchanged.

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The Administrative Rules Review Committee will hold a special meeting on Monday, March 8, 2004, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

**NOTE: See also Agenda published in the February 18, 2004, Iowa Administrative Bulletin.**

#### **EDUCATIONAL EXAMINERS BOARD[282]**

EDUCATION DEPARTMENT[281]"umbrella"

- Reading endorsements, 14.141(16), Notice **ARC 3198B** ..... 3/3/04  
 Career and technical endorsements and licenses,  
 ch 16 title, 16.1 to 16.12, Notice **ARC 3197B** ..... 3/3/04

#### **ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]**

- Loans and debts, 4.1(1)"c," 4.35, 4.47(7), Notice **ARC 3191B** ..... 3/3/04  
 Exception from reporting requirement—voluntary reports, 4.11, Filed **ARC 3188B** ..... 3/3/04  
 Permissible uses of candidate campaign funds, 4.25(1)"l" and "z," Notice **ARC 3189B** ..... 3/3/04  
 Transfer of assets between candidates; filing of independent  
 expenditure statement, 4.26, 4.27, Notice **ARC 3190B** ..... 3/3/04  
 Candidate debate—media organization; debate structure and funding; contribution  
 reporting inapplicable, 4.51, Filed **ARC 3187B** ..... 3/3/04  
 Filing of executive branch lobbyist client report, 8.9(1)"c," Notice **ARC 3192B** ..... 3/3/04

#### **HUMAN SERVICES DEPARTMENT[441]**

- Licensing and regulation of child foster care facilities, 112.2, 112.3(2), 112.3(4)"a" and "b,"  
 112.3(6), 112.4(3), 112.4(5), 112.4(6), 112.5(1), 112.5(1)"e," 112.6(1), Notice **ARC 3209B** ..... 3/3/04

#### **INSURANCE DIVISION[191]**

COMMERCE DEPARTMENT[181]"umbrella"

- Suspension of the small employer health reinsurance program, 71.25, Notice **ARC 3206B** ..... 3/3/04

#### **MEDICAL EXAMINERS BOARD[653]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Licensure of acupuncturists, 17.4(1)"b," 17.5(3)"g," 17.7, 17.8(1)"d," Filed **ARC 3196B** ..... 3/3/04

#### **NATURAL RESOURCE COMMISSION[571]**

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

- Motorboat noise, 43.1, 43.2, Notice **ARC 3201B** ..... 3/3/04  
 Daily deadline for removing blinds and decoys from wildlife management areas,  
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 Controlled hunting at the Lake Odessa wildlife management area, 53.3, Notice **ARC 3205B** ..... 3/3/04  
 Waterfowl and coot hunting seasons, 91.1, 91.3, 91.4(2)"m," "p" and "q,"  
 91.6, Notice **ARC 3200B** ..... 3/3/04  
 Nonresident deer hunting—minimum arrow length, licenses,  
 94.7(1), 94.8, 94.8(1), 94.8(2), 94.10(7), Filed **ARC 3199B** ..... 3/3/04  
 Wild turkey fall hunting—increased quotas of combination shotgun-or-archery licenses,  
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 Antlerless-only license quotas; use of mobile radio transmitters for coyote hunting,  
 106.6(5), 106.7(4), Notice **ARC 3203B** ..... 3/3/04

#### **PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Impaired practitioner review committee, ch 16, Notice **ARC 3194B** ..... 3/3/04  
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 Psychology examiners, 240.6(1)"a," 240.10, 240.12, 240.16, 240.17,  
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#### **REGENTS BOARD[681]**

- Pay for trainees and apprentices, 3.39(13), Notice **ARC 3210B** ..... 3/3/04

#### **UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

- Defining the term "eligible customers," 22.1(3),  
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 Notice of generation siting waiver requests, 24.15, Filed **ARC 3207B** ..... 3/3/04

**ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS**

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

**EDITOR'S NOTE: Terms ending April 30, 2007.**

Senator Michael Connolly  
3458 Daniels Street  
Dubuque, Iowa 52002

Senator John P. Kibbie  
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Emmetsburg, Iowa 50536

Senator Mary Lundby  
P.O. Box 648  
Marion, Iowa 52302-0648

Senator Paul McKinley  
Route 5, Box 101H  
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Senator Donald Redfern  
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Emmetsburg, Iowa 50536

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Mt. Pleasant, Iowa 52641

Representative Geri Huser  
213 Seventh Street NW  
Altoona, Iowa 50009

Brian Gentry  
**Administrative Rules Coordinator**  
Governor's Ex Officio Representative  
Capitol, Room 11  
Des Moines, Iowa 50319

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
<b>EDUCATIONAL EXAMINERS BOARD[282]</b>		
Fee increases for licenses and authorizations, 14.121, 17.7(3), 19.5(2), 21.2, 21.5 IAB 2/18/04 <b>ARC 3180B</b>	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2004 2 p.m.
K-6 and 7-12 reading endorsements, 14.141(16) IAB 3/3/04 <b>ARC 3198B</b>	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 25, 2004 2 p.m.
Career and technical endorsements and licenses, 16.1 to 16.12 IAB 3/3/04 <b>ARC 3197B</b>	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 25, 2004 1 p.m.
<b>ENVIRONMENTAL PROTECTION COMMISSION[567]</b>		
Terms used in determination of PSD permit review, 20.2, 22.4(1), 22.5(1), 22.100, 22.120 IAB 2/4/04 <b>ARC 3155B</b>	Air Quality Bureau 7900 Hickman Rd. Urbandale, Iowa	April 1, 2004 1 p.m.
	Public Library 321 Main St. Davenport, Iowa	April 2, 2004 1 p.m.
Animal feeding operations—health effects value and health effects standard for hydrogen sulfide, 20.2, adopt ch 32 IAB 1/7/04 <b>ARC 3092B</b>	Public Library 225 Second St. SE Mason City, Iowa	March 3, 2004 6 p.m.
	Public Library 321 Main St. Davenport, Iowa	March 8, 2004 6:30 p.m.
	Public Library 3520 86th St. Urbandale, Iowa	March 11, 2004 7 p.m.
Manure management plan content; inclusion of phosphorus index, 65.17; ch 65 tables 3, 3a, 4a, 5 IAB 2/18/04 <b>ARC 3167B</b>	Maar Park Conservation Center 2943 Hwy 92 Ainsworth, Iowa	March 22, 2004 6 p.m.
	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	March 23, 2004 1:30 p.m.
	Public Library 507 Poplar St. Atlantic, Iowa	March 24, 2004 6 p.m.

**ENVIRONMENTAL PROTECTION COMMISSION[567] (Cont'd)**

Spencer School Administrative Offices 23 E. Seventh St. Spencer, Iowa	March 25, 2004 6 p.m.
Gilbertson Nature Center 2258 A Ave. Elgin, Iowa	March 26, 2004 6 p.m.

**INSURANCE DIVISION[191]**

Suspension of the small employer health reinsurance program, 71.25 IAB 3/3/04 <b>ARC 3206B</b>	330 Maple St. Des Moines, Iowa	March 26, 2004 10 a.m.
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**NATURAL RESOURCE COMMISSION[571]**

Motorboat noise—sound level limitation, 43.1, 43.2 IAB 3/3/04 <b>ARC 3201B</b>	Fifth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	March 23, 2004 9 a.m.
Use of waterfowl decoys, 51.5(3) IAB 3/3/04 <b>ARC 3202B</b>	Wallace State Office Bldg. Des Moines, Iowa	March 31, 2004 7 p.m.
Waterfowl hunting on Lake Odessa, 53.3 IAB 3/3/04 <b>ARC 3205B</b>	Wallace State Office Bldg. Des Moines, Iowa	March 31, 2004 7 p.m.
Waterfowl and coot hunting seasons, 91.1, 91.3, 91.4(2), 91.6 IAB 3/3/04 <b>ARC 3200B</b>	Wallace State Office Bldg. Des Moines, Iowa	March 31, 2004 7 p.m.
Combination shotgun-or-archery licenses for wild turkey fall hunting by residents, 99.5(1) IAB 3/3/04 <b>ARC 3204B</b>	Wallace State Office Bldg. Des Moines, Iowa	March 31, 2004 7 p.m.
Quotas for antlerless-only deer licenses; prohibited weapons and devices, 106.6(5), 106.7(4) IAB 3/3/04 <b>ARC 3203B</b>	Wallace State Office Bldg. Des Moines, Iowa	March 31, 2004 7 p.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Impaired practitioner review committee, ch 16 IAB 3/3/04 <b>ARC 3194B</b>	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	March 23, 2004 9 to 10 a.m.
Physician assistants, 325.4, 325.6, 326.9, 326.12 to 326.18, ch 329, 330.1 IAB 2/18/04 <b>ARC 3165B</b>	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	March 9, 2004 9 to 10 a.m.
Physician assistants— licensure and practice, 326.1, 327.1, 327.3, 327.4, 327.6 IAB 2/18/04 <b>ARC 3166B</b>	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	March 10, 2004 9 to 10 a.m.

**PUBLIC SAFETY DEPARTMENT[661]**

Fire safety requirements for residential care facilities, 5.950 IAB 2/18/04 <b>ARC 3173B</b>	Conference Room Fire Marshal Division 401 SW Seventh St. Des Moines, Iowa	March 10, 2004 9:30 a.m.
State of Iowa building code— compliance with fire safety provisions by hospitals and health care facilities, 16.130(15) IAB 2/18/04 <b>ARC 3172B</b> (See also <b>ARC 3171B</b> )	Conference Room Fire Marshal Division 401 SW Seventh St. Des Moines, Iowa	March 10, 2004 1:30 p.m.

**REGENTS BOARD[681]**

Pay for trainees and apprentices, 3.39(13) IAB 3/3/04 <b>ARC 3210B</b>	11260 Aurora Ave. Urbandale, Iowa	March 23, 2004 3 p.m.
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**UTILITIES DIVISION[199]**

Electric energy adjustment clause, 20.9 IAB 2/4/04 <b>ARC 3135B</b>	Hearing Room 350 Maple St. Des Moines, Iowa	March 3, 2004 10 a.m.
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]  
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
   Agricultural Development Authority[25]  
   Soil Conservation Division[27]  
 ATTORNEY GENERAL[61]  
 AUDITOR OF STATE[81]  
 BEEF INDUSTRY COUNCIL, IOWA[101]  
 BLIND, DEPARTMENT FOR THE[111]  
 CAPITAL INVESTMENT BOARD, IOWA[123]  
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**ARC 3198B**  
**EDUCATIONAL EXAMINERS**  
**BOARD[282]**

**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 14, “Issuance of Practitioner’s Licenses and Endorsements,” Iowa Administrative Code.

The proposed amendment modifies the Board’s K-6 and 7-12 reading endorsements to reflect current national reading standards and to reflect best practice through delineated performance competencies. A statewide group of stakeholders consisting of teachers, higher education faculty, area education agency consultants, Iowa Reading Association members, and Board staff was convened for a year to review the Board’s current reading endorsements and to make recommendations for any modifications. This group recommended that the K-6 and 7-12 reading endorsements be modified as proposed in this rule making.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Thursday, March 25, 2004, at 2 p.m. in Room 3 North, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, March 26, 2004. Written comments and suggestions should be addressed to Dr. Anne E. Kruse, Executive Director, Board of Educational Examiners, at the above address, or sent by E-mail to [anne.kruse@ed.state.ia.us](mailto:anne.kruse@ed.state.ia.us), or by fax to (515)281-7669.

This amendment is intended to implement Iowa Code chapter 272.

The following amendment is proposed.

Amend subrule 14.141(16) as follows:

**14.141(16) Reading.**

a. *K-6 requirements in effect prior to September 1, 2007.* Completion of 20 semester hours in reading to include at least 12 semester hours specifically in reading by course title which must include foundations in methods and materials for teaching reading in the elementary classroom, corrective

reading, remedial reading, a supervised tutoring experience, and at least 8 hours of coursework from oral and written communication, language development, children’s literature, and tests and measurement.

b. *7-12 requirements in effect prior to September 1, 2007.* Completion of 20 semester hours in reading to include at least 12 semester hours specifically in reading by course title which must include foundations in methods and materials of teaching reading in the secondary classroom, corrective reading, reading in content areas, remedial reading, a supervised tutoring experience, and at least 8 hours of coursework from oral and written communication, the structure of language, adolescent literature, and tests and measurement.

c. *K-6 requirements effective September 1, 2007.* Completion of 24 semester hours in reading to include all of the following requirements:

(1) *Foundations of reading.* This requirement includes the following competencies:

1. *The practitioner demonstrates knowledge of the psychological, sociocultural, and linguistic foundations of reading and writing processes and instruction.*

2. *The practitioner demonstrates knowledge of a range of research pertaining to reading, writing, and learning, including scientifically based reading research, and knowledge of histories of reading. The range of research encompasses research traditions from the fields of the social sciences and other paradigms appropriate for informing practice.*

3. *The practitioner demonstrates knowledge of the major components of reading, such as phonemic awareness, word identification, phonics, vocabulary, fluency, and comprehension, and effectively integrates curricular standards with student interests, motivation, and background knowledge.*

(2) *Reading in the content areas.* This requirement includes the following competencies:

1. *The practitioner demonstrates knowledge of text structure and the dimensions of content area vocabulary and comprehension, including literal, interpretive, critical, and evaluative.*

2. *The practitioner provides content area instruction in reading and writing that effectively uses a variety of research-based strategies and practices.*

(3) *Practicum.* This requirement includes the following competencies:

1. *The practitioner works with licensed professionals who observe, evaluate, and provide feedback on the practitioner’s knowledge, dispositions, and performance of the teaching of reading and writing.*

2. *The practitioner effectively uses reading and writing strategies, materials, and assessments based upon appropriate reading and writing research and works with colleagues and families in the support of children’s reading and writing development.*

(4) *Language development.* This requirement includes the following competency: *The practitioner uses knowledge of language development and acquisition of reading skills (birth through sixth grade), and the variations related to cultural and linguistic diversity to provide effective instruction in reading and writing.*

(5) *Oral communication.* This requirement includes the following competencies:

1. *The practitioner demonstrates knowledge of the unique needs and backgrounds of students with language differences and delays.*

2. *The practitioner uses effective strategies for facilitating the learning of Standard English by all learners.*

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

(6) *Written communication.* This requirement includes the following competency: The practitioner uses knowledge of reading-writing-speaking connections; the writing process; the stages of spelling development; the different types of writing, such as narrative, expressive, persuasive, informational and descriptive; and the connections between oral and written language development to effectively teach writing as communication.

(7) *Reading assessment, diagnosis and evaluation.* This requirement includes the following competencies:

1. The practitioner uses knowledge of a variety of instruments, procedures, and practices that range from individual to group and from formal to informal to alternative for the identification of students' reading proficiencies and needs, for planning and revising instruction for all students, and for communicating the results of ongoing assessments to all stakeholders.

2. The practitioner demonstrates awareness of policies and procedures related to special programs, including Title I.

(8) *Children's nonfiction and fiction.* This requirement includes the following competency: The practitioner uses knowledge of children's literature for:

1. Modeling the reading and writing of varied genres, including fiction and nonfiction; technology- and media-based information; and nonprint materials;

2. Motivating through the use of texts at multiple levels, representing broad interests, and reflecting varied cultures, linguistic backgrounds, and perspectives; and

3. Matching text complexities to the proficiencies and needs of readers.

(9) *Reading instructional strategies.* This requirement includes the following competency: The practitioner uses knowledge of a range of research-based strategies and instructional technology for designing and delivering effective instruction across the curriculum, for grouping students, and for selecting materials appropriate for learners at various stages of reading and writing development and from varied cultural and linguistic backgrounds.

d. 7-12 requirements effective September 1, 2007. Completion of 24 semester hours in reading to include all of the following requirements:

(1) *Foundations of reading.* This requirement includes the following competencies:

1. The practitioner demonstrates knowledge of the psychological, sociocultural, and linguistic foundations of reading and writing processes and instruction.

2. The practitioner demonstrates knowledge of a range of research pertaining to reading, writing, and learning, including scientifically based reading research, and knowledge of histories of reading. The range of research encompasses research traditions from the fields of the social sciences and other paradigms appropriate for informing practice.

3. The practitioner demonstrates knowledge of the major components of reading, such as phonemic awareness, word identification, phonics, vocabulary, fluency, and comprehension, and integrates curricular standards with student interests, motivation, and background knowledge.

(2) *Reading in the content areas.* This requirement includes the following competencies:

1. The practitioner demonstrates knowledge of text structure and the dimensions of content area vocabulary and comprehension, including literal, interpretive, critical, and evaluative.

2. The practitioner provides content area instruction in reading and writing that effectively uses a variety of research-based strategies and practices.

(3) *Practicum.* This requirement includes the following competencies:

1. The practitioner works with licensed professionals who observe, evaluate, and provide feedback on the practitioner's knowledge, dispositions, and performance of the teaching of reading and writing.

2. The practitioner effectively uses reading and writing strategies, materials, and assessments based upon appropriate reading and writing research and works with colleagues and families in the support of students' reading and writing development.

(4) *Language development.* This requirement includes the following competency: The practitioner uses knowledge of the relationship of language acquisition and language development with the acquisition and development of reading skills, and the variations related to cultural and linguistic diversity to provide effective instruction in reading and writing.

(5) *Oral communication.* This requirement includes the following competency: The practitioner demonstrates knowledge of the unique needs and backgrounds of students with language differences and uses effective strategies for facilitating the learning of Standard English by all learners.

(6) *Written communication.* This requirement includes the following competency: The practitioner uses knowledge of reading-writing-speaking connections to teach the skills and processes necessary for writing narrative, expressive, persuasive, informational, and descriptive texts, including text structures and mechanics such as grammar, usage, and spelling.

(7) *Reading assessment, diagnosis and evaluation.* This requirement includes the following competencies:

1. The practitioner uses knowledge of a variety of instruments, procedures, and practices that range from individual to group and from formal to informal to alternative for the identification of students' reading proficiencies and needs, for planning and revising instruction for all students, and for communicating the results of ongoing assessments to all stakeholders.

2. The practitioner also demonstrates awareness of policies and procedures related to special programs.

(8) *Adolescent or young adult nonfiction and fiction.* This requirement includes the following competency: The practitioner uses knowledge of adolescent or young adult literature for:

1. Modeling the reading and writing of varied genres, including fiction and nonfiction; technology- and media-based information; and nonprint materials;

2. Motivating through the use of texts at multiple levels, representing broad interests, and reflecting varied cultures, linguistic backgrounds and perspectives; and

3. Matching text complexities to the proficiencies and needs of readers.

(9) *Reading instructional strategies.* This requirement includes the following competency: The practitioner uses knowledge of a range of research-based strategies and instructional technology for designing and delivering instruction across the curriculum, for grouping students, and for selecting materials appropriate for learners at various stages of reading and writing development and from varied cultural and linguistic backgrounds.

**ARC 3197B**  
**EDUCATIONAL EXAMINERS**  
**BOARD[282]**

**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 16, “Occupational and Postsecondary Endorsements and Licenses,” Iowa Administrative Code.

As of July 1, 2003, the Board of Educational Examiners no longer issues postsecondary licenses pursuant to 2002 Iowa Acts, chapter 1047. The proposed amendments reflect the phrase “career and technical endorsements and licenses” for secondary level only, rather than the current “occupational and postsecondary endorsements and licenses.” All references to “postsecondary” have been struck.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Thursday, March 25, 2004, at 1 p.m. in Room 3 North, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, March 26, 2004. Written comments and suggestions should be addressed to Dr. Anne E. Kruse, Executive Director, Board of Educational Examiners, at the above address, or sent by E-mail to [anne.kruse@ed.state.ia.us](mailto:anne.kruse@ed.state.ia.us), or by fax to (515)281-7669. Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

These amendments are intended to implement Iowa Code chapter 272.

The following amendments are proposed.

ITEM 1. Amend **282—Chapter 16**, title, as follows:

CHAPTER 16

OCCUPATIONAL CAREER AND POSTSECONDARY  
 TECHNICAL ENDORSEMENTS AND LICENSES

ITEM 2. Amend rule 282—16.1(272) as follows:

**282—16.1(272) Requirements for secondary level (grades 7-12) license.** The initial license with the appropriate endorsement will be issued if the requirements of rules 282—14.111(272) and 282—14.123(272) for initial licensing have been met.

**16.1(1)** Requirements for adding the following secondary level ~~occupational~~ *career and technical* endorsements.

a. Agricultural sciences and agribusiness. Completion of 24 semester hours in agricultural business management or economics, agricultural mechanics, agronomy, animal science, and horticulture. One thousand hours of work experience in one or more agriculture-related occupations. Coursework in agriculture education to include foundations of ~~vocational and~~ *career and technical* education, planning and implementing courses and curriculum, methods and techniques of instruction, evaluation of programs and students, and in the coordination of cooperative experience education programs.

b. Marketing/distributive education. Completion of 24 semester hours in business to include a minimum of 6 semester hours each in marketing, management, and economics. Three thousand hours of recent, relevant work experience in occupations where the distribution of goods and services was the prime function. Coursework in foundations of ~~vocational and~~ *career and technical* education, in curriculum design oriented to marketing, and in the coordination of cooperative education programs.

c. Office education. Completion of 24 semester hours in business to include coursework in office management, business communications, word and data processing and computer applications in business. Three thousand hours of recent, relevant work experience in an office-related occupation. Coursework in foundations of ~~vocational and~~ *career and technical* education, in curriculum design oriented to office education, and in the coordination of cooperative education programs.

d. Consumer and homemaking education. Completion of 24 semester hours in food and nutrition, consumer education, family living and parenthood education, child development, housing, home and resource management, and clothing and textiles. Four hundred hours of work experience in one or more homemaking or consumer-related occupations. Coursework in consumer and homemaking education to include methods and techniques of instruction, foundations of ~~vocational and~~ *career and technical* education, course and curriculum development, and evaluation of programs and students.

e. ~~Occupational~~ *Career and technical* home economics.

1- (1) Option 1. Completion of the requirements for consumer and homemaking education (see ~~16.1(4)~~ *16.1(1)“d”*) and special preparation in the ~~occupational career and technical~~ area or 400 hours of employment related specifically to the ~~occupational career and technical~~ area.

2- (2) Option 2. Completion of a baccalaureate degree with a major in the ~~occupational career and technical~~ area, coursework in methods and techniques of teaching, course and curriculum development, evaluation of programs and students, foundations of ~~vocational and~~ *career and technical* education, coordination of cooperative programs and a teaching practicum (supervised or assessment of other teaching experience), 400 hours of employment related specifically to the ~~occupational career and technical~~ area.

**16.1(2)** Multioccupations. Completion of any 7-12 endorsement, and in addition thereto, coursework in foundations of ~~vocational and~~ *career and technical* education, coordination of cooperative programs and competency-based curriculum development. Four thousand hours of ~~occupational career and technical~~ experience in two or more occupations. The multioccupations endorsement also authorizes the holder to supervise students in cooperative programs, school-to-work programs, and similar programs in which the student is placed in school-sponsored, on-the-job situations.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

**16.1(3)** Specialized secondary ~~occupational career and technical~~ endorsement programs. These are bachelor's degree programs which include specific preparation in ~~occupational or vocational career and technical~~ teacher education.

a. Health occupations. Four thousand hours of ~~occupational health-care-related career and technical~~ experience within five years preceding application for licensure in the occupation to be taught. Program completion leading to registration, certification, or licensure in Iowa in the health specialty to be taught. Coursework in foundations of ~~vocational and career and technical~~ education, planning and implementing courses and curriculum, methods and techniques of instruction, and evaluation of programs and ~~pupils~~ students.

b. Trade and industrial subjects. Demonstrated ~~occupational career and technical~~ competence in an industrial, trade, or technical field by completion of a minimum of 4,000 hours of practical, hands-on experience in the area in which the endorsement is sought or written examination. Coursework in foundations of ~~vocational and career and technical~~ education, planning and implementing courses and curriculum, methods and techniques of instruction, and evaluation of programs and ~~pupils~~ students.

ITEM 3. Amend rule 282—16.2(272) as follows:

**282—16.2(272) Requirements for the provisional ~~occupational licenses career and technical secondary license.~~**

**16.2(1)** Provisional ~~occupational career and technical~~ secondary license. ~~Valid~~ This license is valid for five years.

**NOTE:** This license is provided to noneducators entering the education profession to instruct in occupations and specialty "fields" that are recognized in ~~vocational career and technical~~ service areas and career cluster areas.

a. An applicant for this license must have completed 6,000 hours of recent and relevant career and technical experience in the teaching endorsement area sought.

In those subjects, career and technical areas or endorsement areas which require state registration, certification or licensure, the applicant must hold the appropriate license, registration or certificate before the provisional career and technical secondary license or the career and technical secondary license will be issued.

b. Applicants must commit to complete ~~initial~~ the following requirements: within the term of this license:

a. (1) A new teacher's workshop of a minimum of 30 clock hours and specified competencies. ~~To~~, to be completed during the first year of license validity.

b. Competency development in four basic areas:

(1) (2) ~~Methods~~ Competency development in the methods and techniques of teaching.

(2) (3) ~~Course~~ Competency development in course and curriculum development.

(3) (4) ~~Measurement~~ Competency development in the measurement and evaluation of programs and students.

(4) (5) ~~History~~ Competency development in the history and philosophy (foundations) of ~~vocational and career and technical~~ education.

(6) An approved human relations course as described in 282—14.124(272).

Holders of this license are expected to make annual progress at a minimum rate of one course per year to complete the studies.

The four areas of competency development required in 16.2(1)"b," 16.5(1)"a"(2), and 16.6(1)"a"(1)"3" cannot be accepted as credit to meet the minimum endorsement requirement of 16.6(2) for an education teaching endorsement at the postsecondary level.

**NOTE:** c. Individuals who feel that their previous professional experiences or formal education and preparation indicate mastery of competencies in the required study areas may have ~~such~~ the specific requirements waived. Transcripts or other supporting data should be provided to a teacher educator at one of the institutions which has an approved teacher education programs program. The results of the competency determination will be forwarded with recommendations to the board of educational examiners. Department Board personnel will make final determination as to the competencies mastered and cite studies which yet need to be completed, if any.

Instructors are expected to make annual progress at a minimum rate of one course per year to complete the studies following initial completion of the new teacher workshop.

c. Six thousand hours of recent and relevant occupational experience in the teaching endorsement area sought.

In those subjects, occupational areas or endorsement areas which require state registration, certification or licensure, each applicant must hold the appropriate license, registration or certificate before the issuance of the provisional or the occupational license.

**16.2(2)** Reserved.

ITEM 4. Rescind and reserve rule 282—16.3(272).

ITEM 5. Amend rule 282—16.4(272) as follows:

**282—16.4(272) Requirements for the ~~occupational career and technical secondary license.~~**

**16.4(1)** Occupational Career and technical secondary license. This license is valid for five years.

a. Initial requirements. ~~Meet~~ An applicant for this license must meet the requirements for the provisional ~~occupational career and technical secondary license and have completed an approved human relations component.~~

b. Renewal requirements for the career and technical secondary license. ~~Same as those in rule 16.3(272).~~ Six units are needed for renewal. These units may be earned in any combination of the units listed below.

(1) One renewal unit may be earned for each semester hour of credit which advances an applicant toward the completion of a degree program.

(2) One renewal unit may be earned for each semester hour of credit completed which may not lead to a degree but which adds greater technical depth/competence to the endorsement(s) held.

(3) Renewal units may be earned upon the completion of staff development programs approved through guidelines established by the board of educational examiners or a technical update program approved by the board of educational examiners.

c. The applicant must complete an approved human relations component if the applicant has not previously done so.

d. An applicant who renews a license issued by the board of educational examiners must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel. A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

(1) A person is engaged in active duty in the military service of this state or of the United States.

(2) The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

(3) A person is practicing a licensed profession outside this state.

(4) A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

**16.4(2)** Reserved.

ITEM 6. Rescind and reserved rules **282—16.5(272)** to **282—16.10(272)**.

ITEM 7. Amend rule 282—16.11(272) as follows:

**282—16.11(272) Conditional occupational Class D career and postsecondary licenses technical license.**

**16.11(1)** ~~Conditional occupational Class D career and technical license.~~ A two-year ~~conditional occupational secondary Class D career and technical~~ licensee may be issued to an applicant who has not met all of the experience requirements for the provisional ~~occupational career and technical~~ license.

**16.11(2)** ~~Conditional postsecondary license.~~ A two-year ~~conditional postsecondary license~~ may be issued to an applicant who has not met all of the initial requirements for a provisional postsecondary license or holds the provisional or regular postsecondary license with an endorsement and is seeking an endorsement in another teaching field.

ITEM 8. Rescind and reserve rule **282—16.12(272)**.

## ARC 3191B

### ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

The proposed amendments clarify the following:

1. That a permanent organization involved in activities relating to the making of a loan or being owed a debt by a candidate or a committee is not required to register as a PAC.

2. That a candidate or candidate’s committee may owe a debt to an insurance company or corporation so long as the debt is repaid and the transaction is properly disclosed.

3. That a financial institution is permitted to make a loan to a candidate or candidate’s committee so long as the loan is repaid and the transaction is properly disclosed.

The proposed amendments do not contain a waiver provision as no new obligations are being imposed.

Any interested person may make written comments on the proposed amendments on or before March 23, 2004. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 514 E. Locust, Suite 104, Des Moines, Iowa 50309. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

These amendments are intended to implement Iowa Code Supplement sections 68A.402(6) and 68A.503.

The following amendments are proposed.

ITEM 1. Amend subrule **4.1(1)**, paragraph “c,” as follows:

c. Permanent organizations temporarily engaging in political activity. The requirement to file the statement of organization applies to an entity that comes under the definition of a “political committee” (PAC) in Iowa Code Supplement section 68A.102(18) by receiving contributions, making expenditures, or incurring debts in excess of \$750 in any one calendar year for the purpose of expressly advocating the election or defeat of a candidate for public office, or for the purpose of expressly advocating the passage or defeat of a ballot issue. A permanent organization that makes a one-time contribution in excess of \$750 may in lieu of filing a statement of organization follow the procedure in rule 351—4.35(68A). *A permanent organization that makes loans to a candidate or committee or that is owed debts from a candidate or committee is not deemed to be engaging in political activity requiring registration.*

ITEM 2. Amend rule 351—4.35(68A), introductory paragraph, as follows:

**351—4.35(68A) Permanent organizations forming temporary political committees; one-time contributor filing Form DR-OTC.** Pursuant to Iowa Code Supplement section 68A.402(6), a permanent organization temporarily engaging in activity that exceeds the \$750 financial filing threshold described in rule 351—4.1(68A,68B) is required to organize and register a political committee (PAC), file disclosure reports, and, upon completion of activity, file a notice of dissolution. A permanent organization that is temporarily a political committee shall comply with all of the campaign laws in Iowa Code Supplement chapter 68A and this chapter. *A permanent organization that makes loans to a candidate or committee or that is owed debts from a candidate or committee is not deemed to be engaging in political activity requiring registration.*

ITEM 3. Adopt **new** subrule 4.47(7) as follows:

**4.47(7)** Loans and debts. A financial institution may make a loan to a candidate or candidate’s committee so long as the loan is repaid and all proper public disclosure of the transaction is made pursuant to rule 351—4.18(68A,68B). A candidate or candidate’s committee may owe a debt to an insurance company, financial institution, or corporation so long as the debt is repaid and all proper public disclosure of the transaction is made pursuant to rule 351—4.16(68A,68B). The repayment of a loan or debt under this subrule shall be made prior to the dissolution of the committee pursuant to rule 351—4.57(68A,68B).

## ARC 3189B

### ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

The proposed amendments clarify that the following are permissible uses of candidate campaign funds:

1. Bonuses paid to campaign workers.
2. Payments to family members of the candidate when the family members provide actual work or services to the campaign.
3. Gifts up to \$250 per person given to campaign workers in recognition of services provided.

The proposed amendments do not contain a specific waiver provision, but any restrictions imposed would be subject to a request for waiver pursuant to 351—Chapter 15.

Any interested person may make written comments on the proposed amendments on or before March 23, 2004. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 514 E. Locust, Suite 104, Des Moines, Iowa 50309. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

These amendments are intended to implement Iowa Code Supplement section 68A.302.

The following amendments are proposed.

ITEM 1. Amend subrule **4.25(1)**, paragraph “**1**,” as follows:

1. Payment of salaries, fringe benefits, *bonuses*, and payroll taxes of paid campaign staff. *Family members who perform actual work or services for a campaign may be compensated for such work or services.*

ITEM 2. Rescind subrule **4.25(1)**, paragraph “**z**,” and insert the following **new** paragraph “**z**” in lieu thereof:

- z. Payment for items with a purchase price not to exceed \$250 per person that are presented to committee workers in recognition of services to the committee.

## ARC 3190B

### ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

The proposed amendments consolidate current rules 351—4.26(68A,68B) and 351—4.27(68A,68B) concerning the transfer of assets between candidate campaign committees in new rule 351—4.26(68A). The proposed amendments also set out in new rule 351—4.27(68A) the procedural requirements for a person filing an independent expenditure statement.

The proposed amendments do not contain a waiver provision as the obligations are mandated by statute.

Any interested person may make written comments on the proposed amendments on or before March 23, 2004. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 514 E. Locust, Suite 104,

Des Moines, Iowa 50309. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

These amendments are intended to implement Iowa Code Supplement sections 68A.404 and 68A.303.

The following amendments are proposed.

ITEM 1. Rescind rule 351—4.26(68A,68B) and adopt the following **new** rule in lieu thereof:

#### **351—4.26(68A) Transfers between candidates.**

**4.26(1)** Transfer of assets between different candidates. A candidate’s committee may transfer an asset to a candidate’s committee established by a different candidate so long as the recipient committee pays the transferring committee the fair market value of the asset and the transaction is properly disclosed on each committee’s disclosure report.

**4.26(2)** Transfer of assets for same candidate. A candidate’s committee may transfer funds, assets, loans, and debts to a committee established for a different office when the same candidate established both committees.

This rule is intended to implement Iowa Code Supplement section 68A.303.

ITEM 2. Rescind rule 351—4.27(68A,68B) and adopt the following **new** rule in lieu thereof:

**351—4.27(68A) Filing of independent expenditure statement.** Pursuant to Iowa Code Supplement section 68A.404, any person except a candidate or a registered committee that makes one or more independent expenditures in excess of \$750 in the aggregate shall file an independent expenditure statement.

**4.27(1)** Independent expenditure defined. “Independent expenditure” means an expenditure for a communication that expressly advocates the election or defeat of a candidate or that expressly advocates the passage or defeat of a ballot issue when the expenditure is made without the prior approval of or coordination with a candidate, candidate’s committee, or a ballot issue committee. “Independent expenditure” also means “independent expenditure” as defined in subrule 4.53(3).

**4.27(2)** Independent expenditure statement. The following information shall be disclosed on the independent expenditure statement:

a. The name, mailing address, and telephone number of the person that files the statement, including the name, mailing address, and telephone number of a contact person, if applicable.

b. A description of the position that is advocated by the person that files the statement such as whether the communication was for a particular candidate or was against a particular candidate.

c. The name and address of the committee that benefits from the expenditure.

d. The dates on which the expenditure or expenditures took place.

e. A description of the nature of the action taken that resulted in the expenditure or expenditures such as a newspaper advertisement, direct mailing, or brochure.

f. The actual cost or fair market value of the expenditure or expenditures.

**4.27(3)** Place of filing. An independent expenditure statement shall be filed with the board at 514 E. Locust, Suite 104, Des Moines, Iowa 50309, or by fax at (515)281-3701. The board shall immediately make the independent expenditure statement available for public viewing via the board’s Web site at [www.iowa.gov/ethics](http://www.iowa.gov/ethics).

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

**4.27(4)** Time of filing. An independent expenditure statement shall be filed within 48 hours of the making of an independent expenditure exceeding \$750 or independent expenditures exceeding \$750 in the aggregate. An independent expenditure is deemed made at the time that the cost is incurred.

**4.27(5)** Failure to file. A person that fails to timely file an independent expenditure statement shall be subject to the imposition of civil penalties pursuant to 351—subrule 10.2(7).

**4.27(6)** Attribution statement applicable. Any person that makes an independent expenditure in any amount shall comply with the appropriate “paid for by” attribution statement pursuant to rule 351—4.38(68A,68B).

**4.27(7)** Other filings not required. A person that properly files an independent expenditure statement shall not be required to file a statement of organization registering a committee or file public disclosure reports.

**4.27(8)** Campaign committees. A committee that makes an independent expenditure shall disclose the transaction on the committee’s appropriate disclosure report and shall not file an independent expenditure statement.

This rule is intended to implement Iowa Code Supplement section 68A.404.

**ARC 3192B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 8, “Executive Branch Lobbying,” Iowa Administrative Code.

The proposed amendment clarifies that an executive branch lobbyist client shall file an executive branch lobbyist client report even if no compensation was paid to the client’s lobbyist. Without the filing of such a report, the Board and the public will not know if no compensation was paid to the lobbyist or if the client failed to file a report which then triggers the initiation of compliance measures.

The proposed amendment does not contain a waiver provision as the obligation to file a report regardless of the amount of compensation paid is mandated by statute.

Any interested person may make written comments on the proposed amendment on or before March 23, 2004. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 514 E. Locust, Suite 104, Des Moines, Iowa 50309. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code section 68B.38.

The following amendment is proposed.

Amend subrule **8.9(1)**, paragraph “c,” as follows:

c. The amount of all salaries, fees, retainers, and reimbursements paid by the client to each lobbyist for engaging in executive branch lobbying activities for the period commencing on July 1 of the previous year through June 30 of the

current year. *A report shall be filed even if the client did not pay any compensation to the client’s lobbyist. If no compensation was paid, the client shall disclose \$0.00 as compensation paid on the report.* In the case of a salaried position when executive branch lobbying is part of the individual’s duties, the reportable salary shall be based on a pro-rata basis of time spent engaging in executive branch lobbying.

**ARC 3209B****HUMAN SERVICES  
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237.3, the Department of Human Services proposes to amend Chapter 112, “Licensing and Regulation of Child Foster Care Facilities,” Iowa Administrative Code.

These amendments:

- Set criteria for issuing group foster care facility licenses for terms longer than one year, as authorized by 2002 Iowa Acts, chapter 1102. After the first year of licensure, a facility with only minor or reasonably corrected deficiencies may receive a two-year license, and a facility with no health or safety deficiencies, no founded incidents of abuse, and no serious substantiated complaints may receive a three-year license.

- Add submission of a fraudulent application as grounds for a denial of a license.

- Clarify Department procedures for evaluating a renewal application and for evaluating founded reports of abuse against a facility director, proprietor, or staff member.

- Update form numbers and terminology to reflect the Department’s current organization and procedures.

These amendments do not provide for waivers in specified situations because extending the term of licensure is a benefit to facilities and most other changes are technical in nature. Facilities may request a waiver of these rules under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before March 24, 2004. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 237.5.

The following amendments are proposed.

ITEM 1. Amend rule **441—112.2(237)** as follows:

Amend the definition of “director’s designee” as follows: “Director’s designee”:

1. For ~~comprehensive residential facilities and community residential group~~ facilities, the director’s designee is the chief of the bureau of ~~adult, children and family protective~~ services.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

2. For foster family homes, the designee is the department of human services' ~~district administrator~~ *service area manager*.

Adopt the following **new** definition in alphabetical order: "Group facility" means a community residential facility, a comprehensive residential facility, or a residential facility for mentally retarded children.

ITEM 2. Amend rule 441—112.3(237) as follows:

Amend subrule 112.3(2) as follows:

**112.3(2)** Decision to operate a facility. When an applicant has reached a decision to operate a facility for child foster care, the applicant shall complete ~~the Form 470-0689, Foster Family Home License Application for License to Operate Foster Family Home or Family Day Care Home, SS-2101, or Form 470-0723, Application for License or Certificate of Approval, SS-3105-0.~~ Requests for renewal shall be made on the same form.

Amend subrule **112.3(4)** by adopting the following **new** paragraphs "a" and "b":

a. Before it results in adverse action, a founded abuse report on a director, a sole proprietor involved in the facility's operation, or any facility staff shall be evaluated by the department to determine if the abuse merits prohibition of employment or licensure.

b. The department shall evaluate all founded child abuse on a case-by-case basis. Considerations shall include, but not be limited to:

(1) The facility's response (e.g., immediate termination of involved staff).

(2) Whether the abuse was an isolated incident or is symptomatic of a broader, systemic problem.

Amend subrule 112.3(6) as follows:

**112.3(6)** Applications for renewal. Applications for renewal shall be made to the department at least 30 but no more than 90 days ~~prior to expiration of~~ *before the license expires.* *The department shall approve or deny an application for license renewal through the same process as that used for the original application.*

ITEM 3. Amend rule 441—112.4(237) as follows:

Amend subrule 112.4(3) as follows:

**112.4(3)** When corrective action is completed on or before the date specified on a provisional license, a full license shall be issued for the remainder of the ~~year~~ *licensure term*.

Rescind subrule 112.4(5) and adopt the following **new** subrule in lieu thereof:

**112.4(5)** The department shall issue Form 470-0727, Certificate of License, without cost to any foster family that meets the standards. The department shall issue Form 470-3623, Certificate of License, without cost to any group facility that meets the standards. The department may offer consultation to assist applicants in meeting the standards.

Adopt the following **new** subrule 112.4(6):

**112.4(6)** A foster family license shall be approved for a term of one year. A group facility license shall be approved for a term of one to three years according to the following criteria:

a. A one-year license may be approved for all new agencies that meet licensure standards.

b. A two-year license may be approved upon completion of a survey for a renewal license when:

(1) Some health or safety concerns have been identified, but they are determined to be minor or easily corrected;

(2) Some complaints against a facility have been substantiated, but they are determined to be minor; and

(3) Deficiencies that have been identified are determined to be minor or easily corrected.

c. A three-year license may be approved upon completion of a survey for a renewal license when:

(1) No health or safety deficiencies have been identified;

(2) There have either been no substantiated complaints against the facility or, if substantiated, complaints have been determined not to be serious or severe; and

(3) A facility has no founded incidents of child abuse by facility staff.

ITEM 4. Amend subrule 112.5(1) as follows:

Amend the introductory paragraph as follows:

**112.5(1)** Applications ~~The department shall be denied deny the license application~~ when:

Adopt the following **new** paragraph "e":

e. The application is fraudulent, which means that the applicant has knowingly made fraudulent statements or has knowingly concealed information.

ITEM 5. Amend subrule 112.6(1), introductory paragraph, as follows:

**112.6(1)** Mandatory. ~~The department shall revoke the license shall be revoked by the division director~~ for the following reasons unless subrule 112.6(3) applies:

## ARC 3206B

### INSURANCE DIVISION[191]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 513B.13(14), the Insurance Division hereby gives Notice of Intended Action to amend Chapter 71, "Small Group Health Benefit Plans," Iowa Administrative Code.

The Iowa Small Employer Health Reinsurance Program (ISEHRP) is a not-for-profit entity created under Iowa Code chapter 513B of the Small Employer Health Insurance Reform Act to ensure the availability of appropriate health care coverage to Iowa residents on an affordable basis and to provide a reinsurance mechanism to facilitate the provision of small employer coverage. The ISEHRP reinsures health benefit coverage as specified in Iowa Code chapter 513B, after consideration of applicable deductibles, of small employers' eligible employees and their dependents.

The proposed rule suspends operations of the ISEHRP until further notice as recommended to the Commissioner of Insurance by the ISEHRP Board of Directors due to the lack of cost-effectiveness, the absence of population reinsured by the program, and the insufficient number and percentage of carriers electing to utilize the program.

This rule does not provide for waivers. Persons seeking waivers must petition the Division for a waiver in the manner set forth under 191—Chapter 4.

A public hearing will be held at 10 a.m. on March 26, 2004, in the offices of the Insurance Division, 330 Maple, Des Moines, Iowa 50319. Persons wishing to provide oral comments should contact Angela Burke Boston no later than March 25, 2004, to be placed on the agenda.

## INSURANCE DIVISION[191](cont'd)

Any person may make written comments on the proposed rule on or before March 26, 2004. Comments should be directed to Angela Burke Boston, Assistant Commissioner, Insurance Division, 330 Maple, Des Moines, Iowa 50319. Comments may also be transmitted by E-mail to [angela.burke.boston@iid.state.ia.us](mailto:angela.burke.boston@iid.state.ia.us) or may be transmitted by facsimile to (515)281-3059.

This amendment is intended to implement Iowa Code chapter 513B.

The following amendment is proposed.

Adopt the following **new** rule:

**191—71.25(513B) Suspension of the small employer health reinsurance program.** Upon the recommendation of the board of directors of the Iowa small employer health reinsurance program and the findings of the commissioner that the operation of the Iowa small employer health reinsurance program pursuant to Iowa Code chapter 513B is not currently cost-effective, the commissioner suspends the operation of the program, effective January 30, 2004, until further notice. After the effective date of the suspension, the program may continue its administration with regard to handling claims and refunds related to activities prior to the suspension as well as other administrative matters.

This rule is intended to implement Iowa Code section 513B.13(14).

**ARC 3201B****NATURAL RESOURCE  
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 43, “Motorboat Noise,” Iowa Administrative Code.

These amendments provide for updated and modern testing requirements for motorboats as adopted from current U.S. Coast Guard testing standards.

Any person may make written comments on these proposed amendments on or before March 23, 2004. Such written material should be directed to the Law Enforcement Bureau, Department of Natural Resources, Wallace State Office Building, 502 East 9th, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact Steve Dermand of the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on March 23, 2004, at 9 a.m. in the Fifth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or

mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code section 456A.24.

The following amendments are proposed.

ITEM 1. Amend rule 571—43.1(462A) as follows:

**571—43.1(462A) Definitions.**

“A scale” means the physical scale marked “A” graduated in decibels on a sound level meter which meets the requirements of the American National Standards Institute, Incorporated, publication 51.4—1961 *S1.4—1983* General Purpose Sound Level Meters.

ITEM 2. Rescind rule 571—43.2(462A) and adopt the following **new** rule in lieu thereof:

**571—43.2(462A) Sound level limitation.** No person shall operate or give permission for the operation of any motorboat in or upon the waters of this state under the jurisdiction of the natural resource commission, in such a manner as to exceed the maximum noise levels established by this rule.

**43.2(1) Stationary sound level test.** For engines manufactured before January 1, 1993, a motorboat engine shall not exceed a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. For engines manufactured on or after January 1, 1993, a motor boat engine shall not exceed a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005.

**43.2(2) Shoreline sound level test.** A motorboat engine shall not exceed a noise level of 75dB(A) when measured as specified in SAE J1970. Compliance with the requirement of this subrule is required in addition to, and shall not preclude the application of, subrule 43.2(1).

**ARC 3202B****NATURAL RESOURCE  
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 51, “Game Management Areas,” Iowa Administrative Code.

This amendment changes the daily deadline for removing blinds and decoys from wildlife management areas from one-half hour to one hour after sunset.

Any interested person may make written suggestions or comments on the proposed amendment on or before March 31, 2004. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

## NATURAL RESOURCE COMMISSION[571](cont'd)

There will be a public hearing March 31, 2004, at 7 p.m. in the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendment is proposed.

Amend subrule 51.5(3) as follows:

**51.5(3)** Use of waterfowl decoys. The use of waterfowl decoys on any game management area, except on Pools 16, 17 and 18 of the Mississippi River, is restricted as follows:

Decoys are prohibited from one-half hour after sunset until midnight each day, and decoys cannot be left unattended for over 30 minutes between midnight and one-half hour after sunset. Decoys shall be considered as removed from an area when they are picked up and placed in a boat, vehicle or other container at an approved access site.

**ARC 3205B****NATURAL RESOURCE  
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 53, “Controlled Hunting Areas,” Iowa Administrative Code.

This amendment eliminates controlled hunting from the Lake Odessa wildlife management area during only the first duck season to allow the limited number of hunters who participate to take better advantage of water conditions and potential hunting locations.

Any interested person may make written suggestions or comments on the proposed amendment on or before March 31, 2004. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing March 31, 2004, at 7 p.m. in the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or

mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendment is proposed.

Amend rule 571—53.3(481A), introductory paragraph, as follows:

**571—53.3(481A) Waterfowl hunting on Lake Odessa.** The following regulations shall be in effect during *the duck and goose season seasons only after October 12* on Lake Odessa, Louisa County, Iowa.

**ARC 3200B****NATURAL RESOURCE  
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 91, “Waterfowl and Coot Hunting Seasons,” Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates are adjusted annually to comply with federal law and to ensure that seasons open on a weekend.

Any interested person may make written suggestions or comments on the proposed amendments on or before March 31, 2004. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing March 31, 2004, at 7 p.m. in the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendments are proposed.

ITEM 1. Amend rule 571—91.1(481A), introductory paragraph, as follows:

**571—91.1(481A) Ducks (split seasons).** The north duck hunting zone is that part of Iowa north of a line beginning on the Nebraska-Iowa border at State Highway 175, east to State Highway 37, southeast to U.S. Highway 59, south to I-80 and along I-80 to the Iowa-Illinois border. The south duck hunting zone is the remainder of the state. Open season for hunt-

## NATURAL RESOURCE COMMISSION[571](cont'd)

ing ducks shall be September 20 18 to September 24, 2003 22, 2004, and October 11 16 to December 4, 2003 9, 2004, in the north zone; September 20 25 to September 22, 2003 and 26, 2004, and October 18 16 to December 13, 2003 12, 2004, in the south zone. Shooting hours are one-half hour before sunrise to sunset each day. The season for canvasbacks will be October 18 23 to November 16, 2003 21, 2004, in the north zone, and October 25 23 to November 23, 2003 21, 2004, in the south zone. The season for pintails will be from September 20 18 to September 24, 2003 22, 2004, and October 11 16 to November 4, 2003 9, 2004, in the north zone; September 20 25 to September 22, 2003 and 26, 2004, and October 18 16 to November 13, 2003 12, 2004, in the south zone.

## ITEM 2. Amend rule 571—91.3(481A) as follows:

**571—91.3(481A) Geese.** The north goose hunting zone is that part of Iowa north of U.S. Highway 20 a line beginning on the Nebraska-Iowa border at State Highway 175, east to State Highway 37, southeast to U.S. Highway 59, south to I-80 and along I-80 to the Iowa-Illinois border. The south goose hunting zone is the remainder of the state. The open season for hunting Canada geese and brant is September 27 25 to December 5, 2003 October 3, 2004, and October 16 to December 15, 2004, in the north goose hunting zone and September 27 to October 19 October 2 to October 10, 2004, and November 8 October 30 to December 24, 2003 29, 2004, in the south goose hunting zone. The open season for hunting white-fronted geese is September 27 25 to December 21, 2003 19, 2004, statewide in the north goose hunting zone and October 2 to December 26, 2004, in the south goose hunting zone. The open season for hunting white and blue-phase snow geese and Ross' geese, collectively referred to as light geese, is September 27, 2003 25, 2004, to January 11, 2004 9, 2005, statewide. Light geese may also be taken under the conservation order from the U.S. Fish and Wildlife Service from January 12, 2004 10, 2005, through April 15, 2004 2005. Shooting hours are one-half hour before sunrise to sunset, except that during the conservation order shooting hours will be extended to one-half hour after sunset each day. The open season for hunting Canada geese only shall be September 1 to September 15, 2003, in two specific areas described as follows:

**91.3(1)** *The open season for hunting Canada geese only shall be September 1 to September 15, 2004, in two specific areas described as follows:*

a. Cedar Rapids/Iowa City goose hunting zone. The Cedar Rapids/Iowa City goose hunting zone includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th

Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

**91.3(2) b.** Des Moines goose hunting zone. The Des Moines goose hunting zone includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; thence south along County Road R38 to Northwest 142nd Avenue; thence east along Northwest 142nd Avenue to Northeast 126th Avenue; thence east along Northeast 126th Avenue to Northeast 46th Street; thence south along Northeast 46th Street to Highway 931; thence east along Highway 931 to Northeast 80th Street; thence south along Northeast 80th Street to Southeast 6th Avenue; thence west along Southeast 6th Avenue to Highway 65; thence south and west along Highway 65 to Highway 69 in Warren County; thence south along Highway 69 to County Road G24; thence west along County Road G24 to Highway 28; thence southwest along Highway 28 to 43rd Avenue; thence north along 43rd Avenue to Ford Street; thence west along Ford Street to Filmore Street; thence west along Filmore Street to 10th Avenue; thence south along 10th Avenue to 155th Street in Madison County; thence west along 155th Street to Cumming Road; thence north along Cumming Road to Badger Creek Avenue; thence north along Badger Creek Avenue to County Road F90 in Dallas County; thence east along County Road F90 to County Road R22; thence north along County Road R22 to Highway 44; thence east along Highway 44 to County Road R30; thence north along County Road R30 to County Road F31; thence east along County Road F31 to Highway 17; thence north along Highway 17 to Highway 415 in Polk County; thence east along Highway 415 to Northwest 158th Avenue; thence east along Northwest 158th Avenue to the point of beginning.

**91.3(2)** *The open season for hunting Canada geese only shall be September 11 and 12, 2004, in the north Iowa goose hunting zone described as follows: All of Dickinson, Emmet, Winnebago, and Worth Counties and that portion of Kossuth County north of County Road B19 (also identified as 300th Street).*

**91.3(3) and 91.3(4)** No change.

ITEM 3. Amend subrule **91.4(2)**, paragraphs "m" and "p," as follows:

m. Area thirteen. Portions of Van Buren and Davis Counties bounded as follows: Beginning at the junction of State Highway 16 and State Highway 98 in Van Buren County; thence east and south along State Highway 16 (including the right-of-way) to State Highway 1 in Van Buren County; thence south along State Highway 1 (including the right-of-way) to State Highway 2; thence east west along State Highway 2 (including the right-of-way) to County Road W20; thence south along County Road W20 (including the right-of-way) to the Iowa-Missouri border; thence west along the Iowa-Missouri border to State Highway 15 in Van Buren County; thence north along State Highway 15 (including the right-of-way) to State Highway 2 in Van Buren County; thence west along State Highway 2 (including the right-of-way) to County Road V42 in Davis County; thence north along County Road V42 (including the right-of-way) to County Road J40 in Davis County; thence east and south

## NATURAL RESOURCE COMMISSION[571](cont'd)

along County Road J40 (including the right-of-way) to County Road V64 in Van Buren County; thence north along County Road V64 (including the right-of-way) to State Highway 98 in Van Buren County; thence north along State Highway 98 (including the right-of-way) to the point of beginning.

p. Area sixteen. A portion of Union County bounded as follows: Beginning at the intersection of U.S. Highways 34 and Highway 169 and Three Mile Creek Drive near Thayer Afton; thence west along U.S. Highway 34 (including the right-of-way) approximately ~~nine~~ 2.5 miles to Union County Road P43 (also named Twelve Mile Lake Road); thence north along Union County Road P43 (including the right-of-way) approximately seven 5 miles, ~~thence east on an unnumbered county road approximately four and one-half miles; thence south on an unnumbered county road to Union County Road H17, thence east along Union County Road H17 (including the right-of-way) approximately 6 miles to U.S. Highway 169 Quail Avenue; thence south along U.S. Highway 169 Quail Avenue (including the right-of-way) to Three Mile Creek Drive; thence south along Three Mile Creek Drive to the point of beginning.~~

ITEM 4. Amend subrule 91.4(2) by rescinding and reserving paragraph "q."

ITEM 5. Amend rule 571—91.6(481A) as follows:

**571—91.6(481A) Youth waterfowl hunt.** A special youth waterfowl hunt will be held statewide on October 4 and 5, 2003, 3, 2004, in the north duck hunting zone and October 9 and 10, 2004, in the south duck hunting zone. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in subrule 91.1(1). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

## ARC 3204B

NATURAL RESOURCE  
COMMISSION[571]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 99, "Wild Turkey Fall Hunting by Residents," Iowa Administrative Code.

This amendment increases the hunting license quotas in most zones to take advantage of increasing turkey populations.

Any interested person may make written suggestions or comments on the proposed amendment prior to March 31,

2004. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on March 31, 2004, at 7 p.m. in the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendment is proposed.

Amend subrule 99.5(1) as follows:

**99.5(1) Combination shotgun-or-archery licenses.** A limited number of paid combination shotgun-or-archery licenses will be issued by zone as follows:

- a. Zone 1. 50
- b. Zone 2. 50
- c. Zone 3. 50
- d. Zone 4. 3,500 4,500
- e. Zone 5. 450 500
- f. Zone 6. 3,000
- g. Zone 7. 200 400
- h. Zone 8. 75 150

## ARC 3203B

NATURAL RESOURCE  
COMMISSION[571]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

In Item 1, the Department is seeking input to revise the quotas for antlerless-only licenses as shown in 106.6(5). The amendment in Item 2 clarifies that mobile radio transmitters may be used for coyote hunting when the special late season for antlerless deer is open in January. In addition, the prohibition on the carrying of all handguns during the bow and early muzzleloader seasons is being removed because it conflicts with the previously adopted amendment allowing the use of muzzleloading handguns during the muzzleloader seasons.

Any interested person may make written suggestions or comments on the proposed amendments on or before March 31, 2004. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources,

## NATURAL RESOURCE COMMISSION[571](cont'd)

Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on March 31, 2004, at 7 p.m. in the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or

mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendments are proposed.

ITEM 1. Rescind subrule 106.6(5) and adopt the following **new** subrule in lieu thereof:

**106.6(5)** Antlerless-only licenses. Paid antlerless-only licenses will be available to eligible persons by county as follows:

Adair	800	Floyd	450	Monona	350
Adams	800	Franklin	300	Monroe	850
Allamakee	1400	Fremont	500	Montgomery	400
Appanoose	1000	Greene	200	Muscatine	800
Audubon	200	Grundy	100	O'Brien	100
Benton	600	Guthrie	800	Osceola	100
Black Hawk	100	Hamilton	150	Page	500
Boone	450	Hancock	100	Palo Alto	100
Bremer	100	Hardin	500	Plymouth	100
Buchanan	100	Harrison	400	Pocahontas	100
Buena Vista	100	Henry	800	Polk	350
Butler	600	Howard	550	Pottawattamie	650
Calhoun	100	Humboldt	100	Poweshiek	400
Carroll	150	Ida	100	Ringgold	1200
Cass	250	Iowa	800	Sac	100
Cedar	600	Jackson	1000	Scott	650
Cerro Gordo	150	Jasper	450	Shelby	150
Cherokee	100	Jefferson	750	Sioux	100
Chickasaw	550	Johnson	1100	Story	250
Clarke	500	Jones	850	Tama	700
Clay	100	Keokuk	750	Taylor	1200
Clayton	2000	Kossuth	300	Union	800
Clinton	650	Lee	1200	Van Buren	1900
Crawford	150	Linn	950	Wapello	750
Dallas	500	Louisa	800	Warren	500
Davis	1650	Lucas	450	Washington	1100
Decatur	1200	Lyon	100	Wayne	1000
Delaware	800	Madison	650	Webster	200
Des Moines	750	Mahaska	600	Winnebago	100
Dickinson	100	Marion	650	Winneshiek	900
Dubuque	1050	Marshall	350	Woodbury	450
Emmet	100	Mills	400	Worth	250
Fayette	1050	Mitchell	350	Wright	100

ITEM 2. Amend subrule 106.7(4) as follows:

**106.7(4)** Prohibited weapons and devices. The use of dogs, domestic animals, bait, rifles other than muzzleloaded, handguns except as provided in 106.7(2) and 106.7(3), crossbows except as otherwise provided, automobiles, aircraft, or any other mechanical conveyance or device, including elec-

tronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported

## NATURAL RESOURCE COMMISSION[571](cont'd)

to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle other than a muzzleloading rifle that meets the requirements of 106.7(3) ~~or to carry or have in possession a handgun during the bow and early muzzleloader seasons.~~ *Iowa Code section 481A.24(2), which prohibits coyote hunters from using one-way or two-way mobile transmitters to communicate the location or direction of game or fur-bearing animals during the shotgun deer seasons, shall apply only to the regular gun seasons.*

## ARC 3194B

## PROFESSIONAL LICENSURE DIVISION[645]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.53, the Professional Licensure Division hereby gives Notice of Intended Action to rescind Chapter 16, "Impaired Practitioner Review Committee," Iowa Administrative Code, and adopt a new chapter with the same title.

The proposed amendment establishes a single impaired practitioner review committee for the 18 professional licensure boards in the Department of Public Health.

The Division met with each of the 18 professional boards to discuss the proposed rules and any issues that the boards might have with the rules prior to publication of the notice.

Any interested person may make written comments on the proposed amendment no later than March 23, 2004, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, E-mail [pwilson@idph.state.ia.us](mailto:pwilson@idph.state.ia.us).

A public hearing will be held on March 23, 2004, from 9 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. It is requested that, if possible, oral presentations also be shared in writing; however, this is not required. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapter 272C.

The following amendment is proposed.

Rescind 645—Chapter 16 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 16

#### IMPAIRED PRACTITIONER REVIEW COMMITTEE

Pursuant to the authority of Iowa Code section 272C.3(1)"k," the department of public health establishes the

impaired practitioner review committee.

#### 645—16.1(272C) Definitions.

"Board" means a health professional licensing board established pursuant to Iowa Code chapter 147, 154A, or 155.

"Contract" means the written document executed by a practitioner and the impaired practitioner review committee which establishes the terms for participation in the impaired practitioner program.

"Impairment" means an inability to practice with reasonable safety and skill as a result of alcohol or drug abuse, dependency, or addiction, or any neuropsychological or physical disorder or disability. For the purposes of the program, "impairment" does not include gambling addiction, sexual addiction, sexual compulsivity, paraphilia or other sexual disorders.

"IPRC" or "committee" means the impaired practitioner review committee.

"Practitioner" or "licensee" means a person licensed under Iowa Code chapter 147, 154A, or 155.

"Self-report" means written or oral notification provided by the licensee to the board or impaired practitioner review committee that the licensee has been, is, or may be impaired prior to the board's receiving a complaint or report from a third party alleging the same. Information relative to impairment or a potential impairment which is provided on a license application or a renewal form may be considered a self-report.

**645—16.2(272C) Purpose.** The impaired practitioner review committee evaluates, assists, and monitors the recovery or rehabilitation of practitioners in the impaired practitioner program and makes reports to the board in the event of non-compliance. The impaired practitioner program is both an advocate for licensee health and a means to protect the health and safety of the public.

**645—16.3(272C) Composition of the committee.** The committee is composed of, but not limited to, members with the following qualifications:

**16.3(1)** A licensed practitioner who has expertise in the area of substance abuse and addiction treatment.

**16.3(2)** A licensed practitioner who has expertise in the diagnosis and treatment of psychological disorders and disabilities.

**16.3(3)** A licensed psychiatrist.

**16.3(4)** A licensee who has remained free of addiction for a period of no less than two years since successfully completing a board-approved recovery program; board-ordered probation for drug or alcohol dependency, addiction or abuse; or an impaired practitioner review committee contract.

**16.3(5)** A physician, a physician assistant or an advanced registered nurse practitioner (ARNP) whose specialty area is family practice or who has expertise in neurological disorders.

a. If the member is a physician, the physician shall be a person licensed to practice medicine and surgery, osteopathic medicine and surgery or osteopathy as defined in 653—1.1(17A,147).

b. If the member is a physician assistant, the physician assistant shall be a person licensed as a physician assistant as defined in 645—326.1(148C).

c. If the member is an ARNP, the ARNP shall be registered to practice in Iowa as defined in 655—7.1(152).

**16.3(6)** An at-large public member.

**16.3(7)** The board chairperson or designee of the board licensed to practice the profession of the board by which the

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

licensee is regulated, who will join the committee when a licensee of that board is being reviewed.

**16.3(8)** The board administrator assigned to the impaired practitioner review committee for professional licensure.

**645—16.4(272C) Organization of the committee.**

**16.4(1)** The division shall appoint the committee members designated in subrules 16.3(1) to 16.3(6).

**16.4(2)** Each board shall appoint a committee member designated in subrule 16.3(7).

**16.4(3)** The IPRC shall elect a chairperson and vice chairperson from committee members specified in subrules 16.3(1) to 16.3(5) at the first meeting of each calendar year. The officers shall serve one-year terms, which will commence following the election.

**16.4(4)** Committee members, except the board administrator, shall be appointed for a three-year term, and may serve for a maximum of three terms. Each term shall expire on December 31 of the third year of the term. Initial terms of committee members shall be for a period of not less than one year nor more than three years as designated by the division to provide continuity to the committee.

**645—16.5(272C) Eligibility.** To be eligible for participation in the impaired practitioner program, a licensee must meet all the following criteria:

**16.5(1)** The licensee must self-report an impairment or suspected impairment directly to the IPRC or be referred to the committee by the board.

**16.5(2)** The licensee must undergo an evaluation at an impaired practitioner review committee-approved provider.

**16.5(3)** The licensee must not have engaged in the unlawful diversion or distribution of controlled or illegal substances to a third party or for personal financial gain or have engaged in any actions defined by the board as grounds for discipline.

**16.5(4)** At the time of the self-report or referral, the licensee must not already be under any board order.

**16.5(5)** The licensee shall not have caused harm or injury to a client.

**16.5(6)** The licensee shall provide truthful information and fully cooperate with the board or committee.

**16.5(7)** The licensee must consent to the conditions proposed by the committee in the contract.

**645—16.6(272C) Meetings.**

**16.6(1)** The committee shall meet as necessary in order to review licensee compliance, develop contracts for new referrals, and determine eligibility for continued monitoring.

**16.6(2)** The committee may hold a closed session if the committee votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds of the total committee or a unanimous vote of those present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. The impaired practitioner review committee shall keep minutes of all discussion, persons present, and action occurring at a closed session and shall tape-record the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.

**645—16.7(272C) Terms of participation.** A licensee shall agree to comply with the terms for participation in the impaired practitioner program established in a contract. The impaired practitioner review committee shall file a confidential report on board-referred cases with the board upon the licensee's successful completion of the program.

**645—16.8(272C) Noncompliance.** A licensee's failure to comply with the provisions of the contract may require the committee to make referral of the matter to the licensee's board for possible disciplinary action. The impaired practitioner review committee may provide to the board the licensee's impaired practitioner program file in the event the participant does not comply with the terms of the contract.

**645—16.9(272C) Practice restrictions.** As a term of the contract, the committee may impose restrictions on the licensee's practice until such time as the committee receives a report from an approved evaluator that the licensee is capable of practicing with reasonable safety and skill. As a condition of participation in the program, a licensee is required to agree to restricted practice in accordance with the terms specified in the contract. In the event that the licensee refuses to agree to or comply with the restrictions established in the contract, the committee shall refer the licensee to the board for appropriate action.

**645—16.10(272C) Limitations.** The committee shall establish the terms and monitor a licensee's compliance with the program specified in the contract. The committee is not responsible for participants who fail to comply with the terms of or successfully complete the impaired practitioner program. Participation in the program under the auspices of the committee shall not relieve the licensee's board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of the licensee's profession by a participant shall be referred to the board for appropriate action.

**645—16.11(272C) Confidentiality.** The committee is subject to the provisions governing confidentiality established in Iowa Code section 272C.6. Accordingly, information in the possession of the board or the committee about licensees in the program shall not be disclosed to the public. Participation in the impaired practitioner program under the auspices of the committee is not a matter of public record. Information about applicants or licensees in the program shall not be disclosed except as provided in this rule.

**16.11(1)** The impaired practitioner review committee may communicate information about a licensee in the program to other impaired practitioner programs of any jurisdiction of the United States or foreign nations in which the participant is currently licensed to practice or in which the participant may seek licensure.

**16.11(2)** The impaired practitioner review committee may communicate information about a licensee in the program to any person assisting in the participant's treatment, recovery, rehabilitation, monitoring, or maintenance.

**16.11(3)** The impaired practitioner review committee may communicate information about a licensee in the program to the licensee's board in the event the participant does not comply with the terms of the contract as specified in rule 16.8(272C) or 16.9(272C).

**16.11(4)** The impaired practitioner review committee shall maintain a participant's complete IPRC file for the ten-year period after a participant's contract has expired or is terminated. After that period, only the contract shall be retained.

These rules are intended to implement Iowa Code chapter 272C.

## ARC 3210B

### REGENTS BOARD[681]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 3, “Personnel Administration,” Iowa Administrative Code.

This amendment is intended to correct an administrative error. In 2002, this subrule was inadvertently submitted for revision while still in discussion draft form. Since it was part of a large group of rules being proposed for revision, this error was overlooked. The complete group of rules was ultimately adopted, including the discussion draft version. This error was recently discovered, and the proposed amendment returns the language of this subrule to its original state.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Tuesday, March 23, 2004, at 3 p.m. in the offices of the Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905. Comments may also be sent by E-mail to [mbruns@iastate.edu](mailto:mbruns@iastate.edu), or they may be submitted by fax to (515)281-6420.

This amendment is intended to implement Iowa Code chapter 8A.

The following amendment is proposed.

Amend subrule 3.39(13) as follows:

**3.39(13)** Pay for trainees and apprentices. *The schedule of wages for trainees and apprentices will consist of a step in the pay matrix for every year of training required.* Each employee whose performance is satisfactory as determined by the employing department will progress one-half of the value of a step every six months from the ~~minimum~~ *first step* of the ~~pay grade~~ *schedule* to the entrance rate established for the journey class at the completion of time established for training or apprenticeship.

### NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

March 1, 2003 — March 31, 2003	6.00%
April 1, 2003 — April 30, 2003	6.00%
May 1, 2003 — May 31, 2003	5.75%
June 1, 2003 — June 30, 2003	6.00%
July 1, 2003 — July 31, 2003	5.50%
August 1, 2003 — August 31, 2003	5.25%
September 1, 2003 — September 30, 2003	6.00%
October 1, 2003 — October 31, 2003	6.50%
November 1, 2003 — November 30, 2003	6.25%
December 1, 2003 — December 31, 2003	6.25%
January 1, 2004 — January 31, 2004	6.25%
February 1, 2004 — February 29, 2004	6.25%
March 1, 2004 — March 31, 2004	6.25%

## ARC 3208B

### UTILITIES DIVISION[199]

#### Notice of Termination

Pursuant to the authority of Iowa Code section 17A.4(1)“b,” the Utilities Board (Board) gives notice that on February 6, 2004, the Board issued an order in Docket No. RMU-03-7, In re: Defining the Term “All Eligible Customers” in Iowa Code § 476.29(5), “Order Terminating Rule Making.” The rule making was commenced on June 6, 2003, pursuant to Iowa Code sections 17A.4, 476.1, 476.2, and 476.29 and published in IAB Vol. XXV, No. 26 (6/25/03) p. 1673, as **ARC 2549B**. The Board commenced the rule making to receive public comment on proposed changes to 199 IAC 22.1(3) and 199 IAC 22.1(5) to incorporate a definition of the term “eligible customers” as used in Iowa Code § 476.29(5).

Written statements of position were filed by the Rural Iowa Independent Telephone Association (RIITA), the Iowa Telecommunications Association (ITA), Qwest Corporation (Qwest), AT&T Communications of the Midwest, Inc. (AT&T), MCI, Inc. (MCI), Sprint Communications, L.P. (Sprint), MCC Telephony of Iowa, Inc. (Mediacom), and the Consumer Advocate Division of the Department of Justice (Consumer Advocate). An oral presentation was held on August 12, 2003.

The Board’s order issued concurrently with this notice discusses the comments and support for the Board’s decision to terminate the rule making. The order may be found on the Board’s Web site at [www.state.ia.us/iub](http://www.state.ia.us/iub). The Board found that the proposed amendment to the current rule is inconsistent with policies to further competition.

Pursuant to the authority of Iowa Code section 17A.4(1)“b,” the Board hereby terminates the proposed rule making published in IAB Vol. XXV, No. 26 (6/25/03), p. 1673, as **ARC 2549B**.

**ARC 3188B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The amendment clarifies the procedural requirements for a person that voluntarily registers a campaign committee by voluntarily filing a statement of organization prior to being required to file the statement by exceeding the \$750 filing threshold. A person that voluntarily files a statement of organization and complies with the procedural requirements is not required to file disclosure reports.

The amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin on December 24, 2003, as **ARC 3048B**. No oral or written comments on the amendment were received. This amendment is identical to that published under Notice.

The Board adopted the amendment on February 5, 2004.

This rule is intended to implement Iowa Code Supplement sections 68A.201 and 68A.402 and Iowa Code section 68B.32A(8).

This amendment will become effective on April 7, 2004. The following amendment is adopted.

Rescind rule 351—4.11(68A,68B) and adopt the following **new** rule in lieu thereof:

**351—4.11(68A,68B) Exception from reporting requirement—voluntary reports.**

**4.11(1)** Persons that have not exceeded financial threshold. A person that has not exceeded the \$750 financial filing threshold may file a statement of organization for purposes of using the short form "paid for by" attribution statement under rule 351—4.38(68A,68B). A person that chooses to voluntarily file a statement of organization shall notify the board at the time of filing the statement of organization that the person has not exceeded the \$750 threshold. A person providing such notice shall not be required to file disclosure reports unless the threshold is later exceeded.

**4.11(2)** Failure to notify board. A person that fails to notify the board at the time of filing a voluntary statement of organization that the \$750 financial filing threshold was not exceeded shall file a disclosure report on or before each appropriate due date until the person notifies the board that the \$750 threshold was not exceeded. The failure to file a disclosure report subjects the person to civil penalties pursuant to 351—Chapter 10.

**4.11(3)** Termination. A person that voluntarily files a statement of organization shall notify the board when the person is no longer active in the election. The board may administratively terminate the voluntary statement of registration if the board determines that the person is no longer active in the election.

**4.11(4)** Persons not engaged in express advocacy. A person that is not engaged in the express advocacy of candidates or ballot issues is not subject to the Iowa campaign laws. Any such person that voluntarily files a statement of organization or that voluntarily files a disclosure report shall be notified that the campaign laws do not apply and that filings are not required. A document filed under this subrule shall be marked "voluntary" and made a public record.

This rule is intended to implement Iowa Code Supplement sections 68A.201 and 68A.402 and Iowa Code section 68B.32A(8).

[Filed 2/6/04, effective 4/7/04]

[Published 3/3/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/3/04.

**ARC 3187B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The amendment provides that the prohibition on corporate contributions does not apply to an incorporated media organization hosting a candidate debate when at least two or more candidates are invited to participate. This amendment reflects Federal Election Commission regulations 11 CFR 110.13 and 111.4, the Arkansas Educational Television Commission v. Forbes, 523 U.S. 666 (1998) case, and the Board's determination after an investigation.

The amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin on December 24, 2003, as **ARC 3046B**. No oral or written comments on the amendment were received. This amendment is identical to that published under Notice.

The Board adopted the amendment on February 5, 2004.

This amendment is intended to implement Iowa Code Supplement sections 68A.402 and 68A.503.

This amendment will become effective on April 7, 2004. The following amendment is adopted.

Adopt **new** rule 351—4.51(68A) as follows:

**351—4.51(68A) Candidate debate—media organization; debate structure; debate funding; contribution reporting inapplicable.** Iowa Code Supplement section 68A.503 prohibits corporations from making contributions to state or local candidates in Iowa. This prohibition does not apply to incorporated media organizations that host candidate debates described in this rule.

**4.51(1)** Media organization defined. "Media organization" means a broadcaster, cable television operator, television programmer, television producer, bona fide newspaper, magazine, or any other periodical publication. The media organization shall not be owned or controlled by a political party, political committee, or candidate.

**4.51(2)** Debate structure. The structure of the debate shall be left to the discretion of the media organization provided that at least two or more candidates for the particular office are invited to participate. The debate shall not be structured to promote or advance one candidate over another. In choosing which candidates to invite to a debate, the media organization shall use good-faith editorial judgment that is reasonable and viewpoint-neutral.

**4.51(3)** Funding debates. A media organization may use its own funds and may accept funds donated by corporations to defray costs incurred in staging a candidate debate under this rule.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

**4.51(4)** Contribution reporting inapplicable. The costs of a debate under this rule are not a reportable monetary or in-kind contribution under Iowa Code Supplement section 68A.402.

This rule is intended to implement Iowa Code Supplement sections 68A.402 and 68A.503.

[Filed 2/6/04, effective 4/7/04]

[Published 3/3/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/3/04.

## ARC 3196B

### MEDICAL EXAMINERS BOARD[653]

#### Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76 and 148E.7, the Board of Medical Examiners hereby amends Chapter 17, "Licensure of Acupuncturists," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 24, 2003, as **ARC 3043B**. No public comment was received.

The Board adopted the amendments during a telephone conference call on January 30, 2004. The adopted amendments require an acupuncturist, after June 1, 2004, to be a diplomate in acupuncture or oriental medicine from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). These amendments are identical to those published under Notice.

These amendments are intended to implement Iowa Code sections 148E.2(1a) and 272C.3.

These amendments will become effective April 7, 2004.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [17.4(1)"b," 17.5(3)"g," 17.7, 17.8(1)"d"] is being omitted. These amendments are identical to those published under Notice as **ARC 3043B**, IAB 12/24/03.

[Filed 2/2/04, effective 4/7/04]

[Published 3/3/04]

[For replacement pages for IAC, see IAC Supplement 3/3/04.]

## ARC 3199B

### NATURAL RESOURCE COMMISSION[571]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Chapter 94 gives the regulations for hunting deer and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements. These amendments add a minimum arrow length for bow

hunting and expand the procedures for obtaining licenses to include Internet sales.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 10, 2003, as **ARC 3009B**. A public hearing was held on December 30, 2003. No one attended the hearing. No comments were received during the public comment period. There are no changes from the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

These amendments shall become effective April 21, 2004. The following amendments are adopted.

ITEM 1. Rescind subrule 94.7(1) and adopt the following **new** subrule in lieu thereof:

**94.7(1)** Bow season. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.5(481A), only longbow, compound or recurve bows shooting broadhead arrows are permitted. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow or broadhead.

ITEM 2. Amend rule 571—94.8(483A), introductory paragraph, as follows:

**571—94.8(483A) Application procedure.** Applications for nonresident deer hunting licenses must be made through the electronic licensing system for Iowa (ELSI) telephone order system or the *ELSI Internet license sales Web site*.

ITEM 3. Amend subrule 94.8(1) and subrule 94.8(2), introductory paragraph, as follows:

**94.8(1)** Any-sex deer licenses. Applications for any-sex deer licenses will be accepted from the first Saturday in May through the first Sunday in June. No one may submit more than one application during the application period. Hunters may apply as individuals or as a group of up to 15 applicants. All members of a group will be accepted or rejected together in the drawing. If applications have been sold in excess of the license quota for any zone or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees and telephone order charges will not be refunded. If any zone's license quota for any-sex deer licenses has not been filled, the excess any-sex deer licenses will be sold on a first-come, first-served basis through the telephone ordering system or the *Internet license sales Web site*. *Excess any-sex deer licenses will be sold beginning the fourth Saturday after the close of the application period until the quota has been filled, or the last day of the hunting period for which the license is valid, or December 14, whichever occurs first.* Members of a group that is rejected may purchase licenses individually if excess any-sex deer licenses or antlerless-only licenses are available.

**94.8(2)** Antlerless-only deer licenses. *Antlerless-only deer licenses must be purchased through the ELSI telephone ordering system or the ELSI Internet license sales Web site.* Licenses for taking antlerless-only deer will be available on the same date as excess any-sex deer licenses are sold as explained in 94.8(1). Antlerless-only licenses will be sold first-come, first-served until the statewide quota is filled, or until the last day of the season for which a license is valid. If antlerless-only licenses are still available on December 15, they may be purchased by nonresidents to hunt during the period from December 24 through January 2. These licenses will be available to nonresidents who have not purchased a nonresident deer license during one of the current deer seasons. The cost will be \$50, and the hunter must have in pos-

NATURAL RESOURCE COMMISSION[571](cont'd)

session a valid nonresident small game hunting license and proof of having paid the current year's wildlife habitat fee. Antlerless-only licenses will be issued by season and zone and will be valid only in the season and zone designated on the license.

ITEM 4. Amend subrule 94.10(7) as follows:

**94.10(7)** Application procedures. Persons meeting the requirements for this season must apply following the procedures described in 571—94.8(483A). A person who does not have a form on file to verify a disability will not be entered into the drawing or be allowed to purchase a license and will have the license fee refunded, less a \$10 administrative fee to cover the cost of handling the application as provided in 571—subrule 15.11(1). License agent writing fees, department administrative fees, *Internet sales charges* and telephone order charges will not be refunded.

[Filed 2/13/04, effective 4/21/04]

[Published 3/3/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/3/04.

## ARC 3195B

### PROFESSIONAL LICENSURE DIVISION[645]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 157.14, the Board of Cosmetology Arts and Sciences Examiners hereby adopts amendments to Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences," and Chapter 62, "Fees," Iowa Administrative Code.

These amendments adopt a new rule regarding reissued certificates or wallet cards, set the fee charged for duplicate and reissued wallet cards and certificates, clarify the rule regarding licensure by endorsement, and clarify circumstances when temporary permits shall be revoked.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 26, 2003, as **ARC 2960B**. A public hearing was held on December 17, 2003, from 10 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, and no public comments were received. No changes were made to the amendments published under Notice.

These amendments were adopted by the Board of Cosmetology Arts and Sciences Examiners on February 4, 2004.

These amendments will become effective April 7, 2004.

These amendments are intended to implement Iowa Code chapters 147, 157 and 272C.

The following amendments are adopted.

ITEM 1. Amend rule **645—60.4(157)**, numbered paragraph "2," as follows:

2. Obtains verification from the District of Columbia or any state(s), territory(ies), foreign country(ies) or province(s) where the applicant is licensed. Verifications of current licensure in the practice discipline in another state for at least 12 months in the 24-month period preceding the submission of the application must be ~~mailed~~ *sent* from each state, territory, province or foreign country or the District

of Columbia. *The verifications shall be sent directly to Experior Testing the board-approved testing service.* The testing service will not accept verification if received from the applicant;

ITEM 2. Amend rule 645—60.6(157) as follows:

**645—60.6(157) Temporary permits to practice cosmetology arts and sciences.** An applicant who is applying for initial licensure and is not licensed in another state and who has met the requirements for licensure except for the written examinations may apply for a temporary permit to practice cosmetology arts and sciences. The temporary permit shall be valid from the date the application is completed until the applicant passes the examination in the practice discipline for which the applicant is seeking licensure. The temporary permit shall be valid for a maximum of 90 days from the date of issuance. The temporary permit holder shall practice under direct supervision of a licensee. After 90 days the temporary permit shall be invalid and the person may not practice in the cosmetology arts and sciences.

The temporary permit shall be revoked if an applicant fails ~~two examinations (each examination failed once or one examination failed twice)~~ *either the theory examination or the Iowa law (jurisprudence) examination twice.* The applicant shall submit the temporary permit to the testing service before sitting for another examination.

ITEM 3. Renumber rules **645—60.9(272C)** through **645—60.12(272C)** as **645—60.10(272C)** through **645—60.13(272C)** and adopt the following **new** rule:

**645—60.9(147) Reissued certificate or wallet card.** The board shall reissue a certificate or current wallet card upon receipt of a written request from the licensee, return of the original document and payment of the fee as specified in rule 645—62.1(147,157).

ITEM 4. Amend subrule 62.1(5) as follows:

**62.1(5)** Duplicate or reissued *wallet card* or license fee is \$10.

[Filed 2/10/04, effective 4/7/04]

[Published 3/3/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/3/04.

## ARC 3193B

### PROFESSIONAL LICENSURE DIVISION[645]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology Examiners hereby amends Chapter 240, "Licensure of Psychologists," and Chapter 243, "Fees," Iowa Administrative Code.

These amendments adopt a new rule for criteria for obtaining a reissued certificate or wallet card license, set the fees charged for duplicate and reissued wallet cards and certificates, amend license renewal requirements, adopt a new rule on licensure by endorsement, and redefine the number of hours required for supervised professional experience. Licensees who regularly examine, attend, counsel or treat adults or children will be required at the time of license re-

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

newal to have completed a course approved by the Iowa Department of Public Health abuse education review panel regarding abuse identification and reporting.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 26, 2003, as **ARC 2959B**. A public hearing was held on December 18, 2003, from 9 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received.

The following changes were made to the amendments published under Notice. In subrule 240.12(4), paragraphs "a," "b," and "c," wording was added to conform to statutory descriptions of when the licensee is a mandatory reporter, and the word "regularly" was removed to be consistent with the Iowa Code.

These amendments were adopted by the Board of Psychology Examiners on February 6, 2004.

These amendments will become effective April 7, 2004.

These amendments are intended to implement Iowa Code chapters 21, 147, 154B and 272C.

The following amendments are adopted.

ITEM 1. Amend subrule **240.6(1)**, paragraph "a," as follows:

a. Be ~~12 months full-time~~ *at least one year* or a minimum of ~~1800~~ *1500* hours of *supervised professional experience*;

ITEM 2. Rescind rule 645—240.10(154B) and adopt the following **new** rule in lieu thereof:

**645—240.10(147) License by endorsement.** An applicant who has been a licensed psychologist at the doctoral level under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may license by endorsement any applicant from the District of Columbia or another state, territory, province, or foreign country who:

**240.10(1)** Submits to the board a completed application.

**240.10(2)** Pays the licensure fee.

**240.10(3)** Provides an official copy of the EPPP score sent directly to the board from the Association of State and Provincial Psychology Boards. The passing score is established by the Association of State and Provincial Psychology Boards.

**240.10(4)** Provides verification of licenses from other states that has been sent directly from those states to the board office.

**240.10(5)** Shows evidence of licensure requirements that are substantially equivalent to those required in Iowa by one of the following means:

a. Provides:

(1) Official copies of academic transcripts that have been sent directly from the school; and

(2) Satisfactory evidence of the applicant's qualifications in writing on the prescribed forms by the applicant's supervisors. If verification of professional experience is not available, the board may consider submission of documentation from the state in which the applicant is currently licensed or equivalent documentation of supervision; or

b. Has an official copy of one of the following certifications sent directly to the board from the certifying organization:

(1) Current Certification of Professional Qualification that was originally issued by the Association of State and Provincial Psychology Boards on or after January 1, 2002.

(2) Current credentialing at the doctoral level as a Health Service Provider in Psychology by the National Register of

Health Service Providers in Psychology that was granted after December 31, 1981.

(3) Board certification by the American Board of Professional Psychology that was originally granted on or after January 1, 1983.

**240.10(6)** Passes the Iowa jurisprudence examination as required in 240.4(5).

ITEM 3. Rescind rule 645—240.12(154B) and adopt the following **new** rule in lieu thereof:

**645—240.12(147) License renewal.**

**240.12(1)** The biennial license renewal period for a license to practice psychology shall begin on July 1 of even-numbered years and end on June 30 of the next even-numbered year. The board shall notify the licensee at the address on record at least 60 days prior to expiration of the license.

**240.12(2)** An individual who was issued an initial license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later.

**240.12(3)** A licensee shall:

a. Meet the continuing education requirements of rule 645—241.2(272C) and the mandatory reporting requirements of subrule 240.12(4); and

b. Submit the completed renewal application, continuing education report form and renewal fee before the license expiration date.

**240.12(4)** Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 241.

f. The board may select licensees for audit of compliance with the requirements in paragraphs “a” to “e.”

**240.12(5)** When all requirements for license renewal are met, the licensee shall be sent a wallet card by regular mail.

**240.12(6)** A person licensed to practice as a psychologist shall keep the person’s license certificate and wallet card(s) displayed in a conspicuous public place at the primary site of practice.

**240.12(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 243.1(3).

a. To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within one month following the expiration date on the wallet card.

b. To place the late license on inactive status, the licensee shall submit a written request for inactive status. No continuing education shall be required.

ITEM 4. Renumber rule **645—240.16(17A,147,272C)** as **645—240.17(17A,147,272C)** and adopt the following new rule:

**645—240.16(147) Reissued certificate or wallet card.** The board shall reissue a certificate or current wallet card upon receipt of a written request from the licensee, return of the original document and payment of the fee as specified in rule 645—243.1(147,154B).

ITEM 5. Amend subrule 243.1(5) as follows:

**243.1(5)** Duplicate *or reissued* license *certificate* fee is \$10.

ITEM 6. Renumber subrules **243.1(6)** to **243.1(12)** as **243.1(7)** to **243.1(13)** and adopt the following new subrule:

**243.1(6)** Duplicate or reissued wallet card fee is \$10.

[Filed 2/10/04, effective 4/7/04]

[Published 3/3/04]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/3/04.

## ARC 3207B

### UTILITIES DIVISION[199]

#### Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 476A.1, 476A.2, and 476A.15, the Utilities Board (Board) gives notice that on February 5, 2004, the Board issued an order in Docket No. RMU-03-16, In re: Notice of Generation Siting Waiver Requests, “Order Adopting Rules.” The Board is adopting an amendment to 199 IAC 24.15(476A) to provide that notice be given to adjoining landowners of record of waiver requests involving the electric generation siting statute, Iowa Code chapter 476A.

The rule making was initiated in response to a recent waiver proceeding before the Board. The applicant requested a waiver, pursuant to Iowa Code section 476A.15, of the siting statutes with respect to a 90 MW peaking facility in Audubon County. Two families that owned land adjoining the proposed facility contested the waiver request. Those two families were not served by the applicant with notice of the waiver, but became aware of the request through their own investigation. The proceeding highlighted the necessity of providing adjoining landowners with notice of such waiver requests. (Western Minnesota Municipal Power Agency, “Proposed Decision and Order” and “Order Affirming Proposed Decision and Order,” Docket No. WRU-03-19 (8/20/03, 9/17/03)). Prior to adoption of this amendment, generally only the Consumer Advocate Division of the Department of Justice was required to be served with notice.

On November 24, 2003, the Board issued an order in Docket No. RMU-03-16 to consider the new amendment. Notice of Intended Action for the proposed rule making was published in IAB Vol. XXVI, No. 13 (12/24/03) p. 1123, as **ARC 3064B**. One or more sets of written comments were filed by the Consumer Advocate Division of the Department of Justice, MidAmerican Energy Company (MidAmerican), Interstate Power and Light Company, and Missouri River Energy Services. An oral presentation was held on January 27, 2004. All commenters except MidAmerican supported the proposed amendment as noticed.

MidAmerican maintained that the rule should contain an exception to the notice requirement if the site for the facility is not known when the waiver request is filed. The Board will not include such a provision because it would encourage a waiver applicant to delay “final” site selection until after the waiver request is filed, negating the notice requirement. The Board notes that in the unusual event the site is not known prior to the applicant’s filing the request, the applicant may request a waiver of the notice requirement pursuant to the Board’s general waiver provision in 199 IAC 1.3(17A,474,476,78GA,HF2206).

MidAmerican argued that the Board might not have the authority to waive the notice requirement because it is a “pre-condition” to granting a waiver of the siting statutes. However, no legal authority was cited for this proposition. The Board believes its general waiver authority is sufficient to allow it to waive any of its rules, if the applicant satisfies the standards contained in 199 IAC 1.3(17A,474,476,78GA,HF2206). In addition, lack of notice to adjoining landowners has due process implications, and inability to provide this notice because a final site has not been selected should be subject to review in a waiver proceeding before the Board. Depending on the particular fact situation, one option would be to require notice to landowners adjoining each potential site.

Because the amendment is adopted as originally noticed, no additional notice is required. As alluded to above, no separate waiver provision is necessary because the Board’s general waiver provision is applicable to this rule.

This amendment is intended to implement Iowa Code section 476A.15.

This amendment will become effective on April 7, 2004. The following amendment is adopted.

## UTILITIES DIVISION[199](cont'd)

Amend rule 199—24.15(476A) as follows:

**199—24.15(476A) Waiver.** The board, if it determines that the public interest would not be adversely affected, may waive any of the requirements of this chapter. In determining whether the public interest would not be adversely affected, the board will consider the following factors:

1. The purpose of the facility.
2. The type of facility.
3. If the facility is for the applicant's own needs.
4. The effect of the facility on existing transmission systems.
5. Any other relevant factors.

*In addition to other service requirements, the applicant must serve a copy of the waiver request on all owners of record of real property that adjoins the proposed facility site.*

This rule is intended to implement Iowa Code sections 476A.1, and 476A.2, and sections 476A.4, 476A.6, 476A.7 and 476A.15 as amended by 2001 Iowa Acts, House File 577.

[Filed 2/13/04, effective 4/7/04]

[Published 3/3/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/3/04.

AGENCY	RULE	DELAY
Inspections and Appeals Department[481]	104.1 “prize,” 104.3“5,” 104.4(3)“f” and “g,” 104.6“1,” ch 105 [IAB 1/7/04, <b>ARC 3080B</b> ]	Effective date of February 11, 2004, delayed 70 days by the Administrative Rules Review Committee at its meeting held February 9, 2004. [Pursuant to §17A.4(5)]

**IOWA ADMINISTRATIVE BULLETIN**  
**Customer Service Center**  
**Department of Administrative Services**  
**Hoover State Office Building, Level A**  
**Des Moines, Iowa 50319**

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